

REMARKS

Response to Claim Rejections Under 35 U.S.C. §102

Claims 40-46, and 49-52 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by Essig et al. (U.S. Pat. No. 5,397,320).

The claims as amended are directed to a device having an elongated electrosurgical cutting element that is longitudinally disposed on a distal portion of the shaft proximal to the distal end. Essig et. al. does not disclose, teach or suggest a device with a cutting element which is longitudinally disposed proximal to the distal end of the shaft. The electrically conductive ribs of the cage in the Essig device are connected to the distal end of the shaft and they extend distal to the distal end of the shaft. The Essig reference does not teach or suggest all of the features of the above claims, therefore applicants submit that the reference does not anticipate these claims.

Response to Double Patenting

Claim 1 was rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. patent No. 6,331,166. In response applicant's counsel has filed herewith a terminal disclaimer directed to the '166 patent.

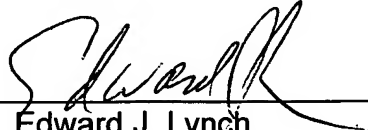
Claims 40, 44-49, and 51-54 were rejected by the Examiner under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,699,206. In response applicant's counsel has filed herewith a terminal disclaimer directed to the '206 patent.

Conclusions

Applicants believe that the pending claims are directed to patentable subject matter. Reconsideration and an allowance of the claims are earnestly solicited.

Respectfully submitted,

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